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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00134 SOM
)	
Plaintiff,)	STIPULATION AND ORDER CONTINUING
vs.)	TRIAL DATE AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
MICHAEL ALLEN BUSH,	(02),)
LANI ANN BREWER,	(03),)
HENRY J. MERRILL,	(04),)
aka "Hank,") Old Date: February 7, 2006
) New Date: April 25, 2006
Defendants.)	Judge: Hon. Susan Oki Mollway
)	

STIPULATION CONTINUING TRIAL DATE AND
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

IT IS HEREBY STIPULATED AND AGREED, by and among the parties hereto, that the trial of this matter be continued from February 7, 2006 to April 25, 2006 before United States District Judge Susan Oki Mollway. The basis for the requested continuance is continuity of counsel for the United States and the defendants

and additional time for defendants in light of the Court's recent ruling on defendant Merrill's motion to suppress.

IT IS FURTHER STIPULATED that a final pretrial conference is scheduled for March 28, 2006 at 10:00 a.m., before United States Magistrate Judge Barry M. Kurren.

IT IS FURTHER STIPULATED that the time from February 7, 2006 until the new trial date of April 25, 2006, be excluded under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., on the grounds that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendants in a speedy trial.

The parties agreed and ask the Court to find that the trial should be continued for the foregoing reasons and that the Court's approval be construed as a finding of excludable time for the reasons stated and that failure to grant a continuance would

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amount to a miscarriage of justice and would deny all defendants and the government continuity of counsel.

DATED: January 30, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Thomas Muehleck
THOMAS MUEHLECK
Assistant U.S. Attorney

/s/ Stuart N. Fujioka
STUART N. FUJIOKA
Attorney for Defendant
Michael Allen Bush

/s/ Michael Jay Green
MICHAEL JAY GREEN
Attorney for defendant
Lani Ann Brewer

/s/ Reginald P. Minn
REGINALD P. MINN
Attorney for defendant
Henry J. Merrill

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00134 SOM
)	
Plaintiff,)	
)	ORDER
vs.)	
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MICHAEL ALLEN BUSH,	(02),)
LANI ANN BREWER,	(03),)
HENRY J. MERRILL,	(04),)
aka "Hank,") Old Date: February 7, 2006
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Defendants.)	Judge: Hon. Susan Oki Mollway
)	

ORDER

For the reasons stated above, and pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), the Court finds that in order to ensure continuity of counsel for all parties and that the defendants have additional time to prepare, and that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendants in a speedy trial. The Court further finds that failure to grant such a continuance would result in a miscarriage of justice and would deny all the parties continuity of counsel.

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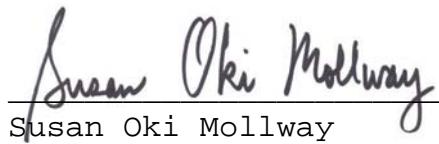
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Therefore, the time from the present trial date of February 7, 2006 until the new trial date of April 25, 2006, is excluded for purposes of the Speedy Trial Act.

DATED: Honolulu, Hawaii; January 30, 2006.





Susan Oki Mollway
United States District Judge

United States v. Michael Allen Bush, et al.
Cr. No. 04-00134 SOM

Stipulation and Order Continuing Trial Date
and Excluding Time Under the Speedy Trial Act